UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,596	06/18/2001	Akimasa Fleshler	BEA920010006US1	· 3370

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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 October 2005*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.
   4a) Of the above claim(s) *4,5 and 16-18* is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-3, 6-15, 19 and 20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are subject to examination. Claims 4,5, and 16-18 are cancelled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

08/12/2005 has been entered.

Response to Arguments

3.   Applicant's arguments filed 08/12/2005 have been fully considered but they are

not persuasive for the following reasons:

Claim rejections under 35 USC 102:

Applicant's argument:

"However, Applicant emphasizes very much that **the NMS of Sharma is not a**

resource that is managed in Sharma! Therefore. the mobile wireless console of

Sharma does not directly communicate wirelessly with a resource that is being

managed in Sharma. Rather the NMS communicates directly with the resources being

managed in Sharma. As a result Sharma teaches a mobile wireless console wirelessly

communicating directly with the NMS to manage resources where the NMS itself

communicates directly with these resources."

Examiner's response:

Sharma teaches in col. 4, line 56 through col. 5, line 13, "(5)   The server presents

network views and data specific to the network asset or assets of interest. A network

administrator of the network management server may define multiple views of the same

network defined on the basis of interest, security and activity. A roaming network

technician logging onto the network management server through a mobile wireless

capable device is presented the view of the network, including accessible devices and

applications, in conformance with the security and administrative views set on the

network management server. The system via the network management server presents

to the mobile wireless capable device an extremely focused access view to aid in

network management, including troubleshooting, as necessary. Network management

applications on the network management server automatically communicate with the

mobile wireless capable devices over a secure channel to enable a network manager

such as a roaming technician to monitor and manage the network. The network views

can be associated with the actual geographical location and the network topology

around the location. In a preferred embodiment, distributed wireless transceivers

attached to a distributed or centralized system of network management servers enable

a network manager to get access to the views, subject to user privileges, without having

to drill down from a top-level complex network topology." **This is why NMS of Sharma**

is a resource.

Also Sharma teaches in Fig. 1 and in col. 6, line 61-64, "A mobile wireless

capable device 122 at the enterprise 102 site communicates with the NMS 114 via a

wireless transceiver 124 coupled to the NMS 114." **And this is why "such that each**
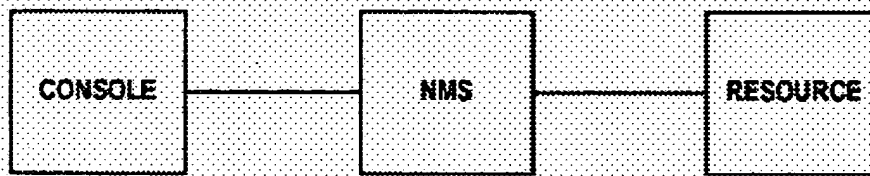
mobile wireless console directly communicates wirelessly with the resource over

the wireless network without communicating through any intermediary device

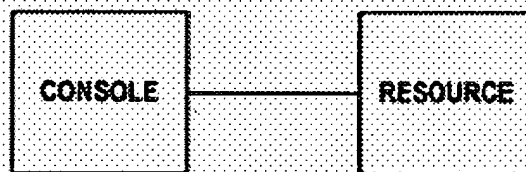between the console and the resource" as claim 1 recites.

Applicant's argument:

managed. By comparison, the claimed invention is limited to the mobile wireless console directly communicating with the resource *without communicating through any intermediary device – like an NMS – between the console and the resource.* Therefore, Sharma cannot anticipate the claimed invention.

To make this even more clear, Applicant diagrammatically shows the difference between Sharma and the claimed invention. Sharma's architecture is as follows:

```
┌──────────┐       ┌──────────┐       ┌──────────┐
│ CONSOLE  │───────│   NMS    │───────│ RESOURCE │
└──────────┘       └──────────┘       └──────────┘
```

The mobile wireless console directly wirelessly communicates with the NMS in Sharma, in order to manage a resource. By comparison, the claimed inventions' architecture is as follows:

```
┌──────────┐       ┌──────────┐
│ CONSOLE  │───────│ RESOURCE │
└──────────┘       └──────────┘
```

In the claimed invention, the mobile wireless console directly wirelessly communicates with the resource being managed, *without communicating through any intermediary device – like the NMS in Sharma – between the console and the resource.* Hopefully this diagram makes it crystal clear why Sharma does not anticipate the claimed invention.

Examiner's response:

The figures presented above as part of the argument are imaginary rendering of the

instant application claims as well as the teachings of the reference Sharma et al (US 6,

766, 165 B2) since any of these documents do not incorporate these figures and

thereby also lacking the facts.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 6-15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being

anticipated Sharma et al. (hereinafter Sharma)(US 6, 766, 165 B2).

Referring to claim 1,

Sharma teaches a system (Fig. 1 element 100) comprising:

a resource (Fig. 1, element 114); and

one or more mobile wireless consoles, (Fig. 1, elements 110, 112, 108) each

mobile wireless console managing the resource by directly communicating wirelessly

with the resource over a wireless network in accordance with an open, common, and

non-proprietary protocol such that each mobile wireless console directly communicates

wirelessly with the resource over the wireless network without communicating through

any intermediary device between the console and the resource (col. 6, line 12-45, 61-

64, col. 4, line 56 through col. 5, line 13,).

Referring to claim 2,

Sharma teaches the system of claim 1, wherein the resource is one of a server (Fig. 1, element 114); and a network platform. (Fig. 1, element 100)

Referring to claim 3,

Sharma teaches the system of claim 1, further comprising: a firewall protecting the resource; (col. 6, line 20-25).

Referring to claim 6,

Sharma teaches the system of claim 1, wherein at least one of the one or more mobile wireless consoles is each selected from the group of mobile wireless consoles consisting of a wireless phone, and a personal-digital-assistant (PDA) device having mobile wireless communication capability. (col. 1, line 28-36).

Referring to claim 7,

Sharma teaches the system of claim 1, wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform pre-boot management activities related to the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 23-25).

Referring to claim 8,

Sharma teaches the system of claim I . wherein each mobile wireless console directly communicates wirelessly to manage the resource to perform in-band management activities related lo the resource. (Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 27-34).

Referring to claims 9 and 10,

Sharma teaches the system of claim 1, wherein the open, common, and non-proprietary protocol is a version of one of the Wireless Access Protocol (WAP) and an Internet Protocol(IP)-based mobile protocol, and the system of claim 1, wherein each mobile

wireless console has a protocol stack in accordance with the open, common, and non-

proprietary protocol. the protocol stack comprising: an application layer based on a

wireless access environment (WAE)and supporting a micro-browser environment;

a session layer based on a wireless session protocol (WSP) to provide the application

layer with a consistent interface; transaction layer based on a wireless transaction

protocol (WTP) to provide a lightweight, transaction oriented protocol suitable for

implementation in thin clients; a security layer based on a wireless transport layer

security IW-I*LSI to provide data integrity, privacy. and denial-of-service protection; a

transport layer based on a wireless data protocol (WDP) to provide a common interface

to the security layer, the transaction layer. the session layer- and the application layer;

and. one or more bearer layers. each providing a corresponding service. (col. 24, line

30-58).

Referring to claim 11,

Sharma teaches a method comprising:

receiving a message including a resource management operation intended for a

resource at a mobile wireless console (col. 5, line 62-67)

encoding the message at the mobile wireless console in accordance with an

open, common and non-proprietary protocol (col. 24, line 30-58, col. 5, line 18-22); and,

sending the message as encoded from the mobile wireless console for ultimate

delivery to the resource for performance of the resource management operation over a

wireless network in accordance with the open, common, and non-proprietary protocol.

the message being directly wirelessly communicated from the mobile wireless console

to the resource. such that each mobile wireless console directly communicates

wirelessly with the resource over the wireless network without communicating through

any intermediary device between the console and the resource (col. 6, line 12-45, 61-

64, col. 4, line 56 through col. 5, line 13, Fig. 1, col. 1, line 20-25, Fig. 3, col. 5, line 27-

34).

Referring to claim 12,

Sharma teaches the method of claim 11, further comprising: receiving the message at

the resource and, performing the resource management operation at the resource. (Fig.

1, col. 1, line 20-25)

Referring to claim 13,

Sharma teaches the method of claim I 2, wherein sending the message comprises

message through a firewall. (col. 6, line 20-25).

Referring to claim 14,

Sharma teaches the method of claim I 1, further comprising:

receiving the resource management operation as encoded at the resource from the

mobile wireless console over the wireless network in accordance with the open,

common, and non- proprietary protocol; decoding the resource management operation

at the resource in accordance with the open, common, and non-proprietary protocol.;

and, performing the resource management operation at the resource. (Fig. 1, col. 1, line

20-25, Fig. 3, col. 5, line 27-34).

Referring to claims 15 and 20,

Claim 15 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Referring to claim 19,

Claim 19 is a claim to an article comprising a computer-readable signal-bearing medium; and means in the medium for managing a resource in the system of claims 1 and 7. Therefore claim 15 is rejected for the reasons set forth for claims 1 and 7.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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